

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 06-19

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN CLERK TO AMEND THE TOWN CHARTER TO INCORPORATE THE RESULTS OF THE REFERENDUM OF NOVEMBER 8TH, 2005 REGARDING TOWN ELECTIONS

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Article XIII of the Town Charter provides that the Town Council may, by ordinance, propose amendments to any or all of the Charter to be submitted to the electors as provided by general law; and

WHEREAS, Town Ordinance 05-03 and Town Resolution 05-25 called for a Town referendum on the issue of whether the Charter should be changed to provide for a runoff election on the second Tuesday in April if no candidate receives a majority of votes cast and to provide for a candidate qualification period.

WHEREAS, Town Resolution 05-41 certified that the aforesaid Referendum was approved by the electors on November 8, 2005 and further provided that the Charter was so amended.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Adoption of Recitals. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Modification of Section 5.01 of Town Charter. The Town Clerk is hereby directed to delete section 5.01 of Article V of the Town Charter and insert the following amendment in its stead:

"Section 5.01. Elections. The regular election of the members of the council shall be held on the second Tuesday in March. If necessary, a runoff election will be held on the second Tuesday in April. The time period that candidates must qualify shall be from noon of the 50th day prior to the second Tuesday in March to noon of the 46th day, or as adjusted by a holiday or leap year. "

Section 3. Modification of Section 5.07 of Town Charter. The Town Clerk is hereby directed to delete section 5.07 of Article V of the Town Charter and insert the following amendment in its stead:

"Section 5.07 Multiple candidates. In the event that more than two candidates qualify for election to a single office, those candidates shall participate in the regular election and the candidate receiving a majority of votes cast shall be elected. If no candidate receives a majority, then the two candidates receiving the most votes shall participate in a runoff election established in Section 5.01 to decide the winner for that office."

Section 4. Filing with Secretary of State. The Town Clerk is hereby directed to file a copy of the Town Charter as amended with the Florida Department of State, Division of Library and Information Services:

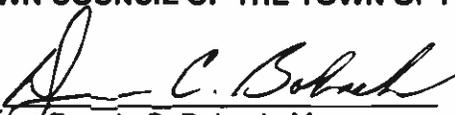
Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council member Reynolds and seconded by Council member Shenko, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	aye
Don Massucco, Vice Mayor	aye
Charles Meador, Jr.	aye
Garr Reynolds	aye
William Shenko, Jr.	aye

VARIANCE GRANTED AND RESOLUTION PASSED AND ADOPTED THIS 2nd day of October, 2006.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

By: 
Anne Dalton, Esquire
Town Attorney

ATTEST:

By: 
Michelle Mayher, Town Clerk